

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

TECHNOLOGY PROPERTIES LIMITED  
and PATRIOT SCIENTIFIC  
CORPORATION,

*Plaintiffs,*

vs.

HTC CORPORATION, and HTC AMERICA,  
INC., and ASUSTEK COMPUTER, INC.

*Defendants.*

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Civil Action No. 2:08-cv-174 (TJW)

Jury Demanded.

**JOINT MOTION TO DISMISS PURSUANT TO FRCP 41(a)(2)**

COME NOW Plaintiffs, Technology Properties Limited and Patriot Scientific Corporation, and Defendants, HTC Corporation and HTC America, Inc., and respectfully move the Court to dismiss this action, without prejudice, pursuant to FRCP 41(a)(2). In order to prevent the operation of FRCP 41(a)(1)(B), the parties seek dismissal by court order. In support, the parties respectfully show the Court as follows:

I.

On February 4, 2009, Judge Fogel of the Northern District of California denied TPL's Motion for Reconsideration regarding the earlier denial of TPL's Motion to Dismiss, or in the alternative, to Transfer Venue in Case No. 5:08-cv-882 (the "California Action"), which involves the same subject matter as the present Action. Therefore, the parties agree and stipulate that the present Action should be dismissed in this Court, without prejudice, pursuant to FRCP 41(a)(2). These parties further move that all costs of court in the present Action be borne by the party who incurred them.

WHEREFORE, PREMISES CONSIDERED, these parties jointly pray that this motion

be granted and that all claims in the present Action be dismissed, without prejudice, pursuant to FRCP 41(a)(2), and that all costs of court in the present Action be borne by the party who incurred them.

Dated: February 20, 2009

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANTS  
HTC AMERICA, INC. and HTC CORPORATION**

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 20th day of February, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

Elizabeth L. DeRieux  
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